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U.S. DISTRICT COURT, E.D.N.Y.

UNITED STATES DISTRICT COURT ★ FEB 08 2006 ★  
EASTERN DISTRICT OF NEW YORK  
- - - - - BROOKLYN OFFICE

SALVATORE BORTUNA,

Plaintiff,

-against-

JO ANNE B. BARNHART,  
Commissioner of Social Security

Defendant.

STIPULATION AND ORDER  
REGARDING ATTORNEYS FEES

Civil Action  
CV-05-2537

(Irizarry, J.)

- - - - - X

WHEREAS, plaintiff commenced this action on or about May 25, 2005, challenging the administrative denial of Social Security disability benefits; and

WHEREAS, the parties subsequently agreed that Plaintiff's claim was to be remanded for further proceedings; and

WHEREAS, on or about October 28, 2005, a stipulation and order of remand was endorsed by the Court, remanding this matter for further consideration by the Commissioner of Social Security pursuant to the fourth sentence of 42 U.S.C. § 405(g), made applicable to Supplemental Security Income claims by 42 U.S.C. § 1383(c)(3); and

WHEREAS, on or about November 30, 2005, a motion was interposed by Plaintiff, seeking attorneys fees in this action pursuant to the Equal Access to Justice Act; and

WHEREAS, the parties now desire to resolve the question of attorneys fees and costs in this action, without the need for further proceedings or litigation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the plaintiff, SALVATORE BORTUNA, and counsel for the defendant, JO ANNE B. BARNHART, COMMISSIONER OF SOCIAL SECURITY, that Plaintiff withdraws his motion for attorneys fees dated November 30, 2005, and that pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, Plaintiff's counsel is awarded One Thousand Five Hundred and Eighty One Dollars and Sixty Cents (\$1,581.60) in full satisfaction of any claim for attorneys fees, expenses, and costs in connection with the above-entitled action.

Dated: Brooklyn, New York  
December 12, 2005

Herbert S. Forsmith, Esq.  
Attorney for Plaintiff  
26 Broadway, 17th Floor  
New York, New York 10004  
(212) 809-1772

By: 

HERBERT S. FORSMITH (HSF-2871)

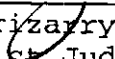
Dated: Brooklyn, New York  
December 9, 2005

ROSLYNN R. MAUSKOPF  
United States Attorney  
Eastern District of New York  
Attorney for Defendant  
One Pierrepont Plaza, 14th floor  
Brooklyn, New York 11201

By: 

ZACHARY A. CUNHA (ZC 5946)  
Assistant U.S. Attorney  
(718) 254-6094

SO ORDERED at Brooklyn, New York  
this 27 day of January, 2006:

  
Honorable Dora L. Irizarry  
United States District Judge